

Violence against Women as a Cause and Consequence of Custody

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“I was a victim before I was a defendant,” Kate explains. As a child, she was sexually abused by her stepfather. As a young adult, she was physically and sexually abused by her boyfriend, Damien. Damien repeatedly beat Kate and forced her to have sex against her will. He once kept her locked in the car for 16 hours. Another time he stabbed her with scissors and then, as she was bleeding from the injury, raped her while pinning her up against his car. On three occasions, the injuries that Damien caused were so severe that Kate had to be admitted to the hospital.

One day, Damien drove up to her house and called Kate to him. She got into the car and soon realized that Damien was high on drugs. He demanded that she perform oral sex and, when she refused, he accused her of having an affair. He began shouting and threatening her. “This is it,” he yelled, “I am through.” He grabbed Kate by the neck and started choking her. Then he took his hands off of her throat and grabbed her face. Panicked, Kate reached for the gun that she knew Damien kept under his seat. The safety was off. She pulled the trigger. For this act, which resulted in Damien’s death, Kate was convicted of first-degree manslaughter. She spent seventeen years in prison.¹

Kate’s experience is not an anomaly. It reveals just one of the ways that violence against women, which is pervasive throughout the world, can become a pathway to women’s imprisonment. It also suggests how legal systems often fail adequately to take into account defendants’ experiences of abuse, particularly where that abuse was directly related to the offense of which they are accused. Indeed, violence against women is deeply intertwined with the experiences of women deprived of liberty as a cause, condition, and consequence of their incarceration.

This paper will explore some of the ways in which violence against women relates to the imprisonment of women. It will focus on the role of gender-based violence as a pathway to and consequence of women’s incarceration, as these connections have generally received less attention than violence against women as a prison condition. The paper will also consider how these pathways and consequences implicate states’ international law responsibility to eliminate violence against women and offer suggestions for how states might more effectively realize that obligation.

Violence against Women as a Pathway to Prison

Studies of women prisoners reveal a strong correlation between violence against women and women’s imprisonment, some suggesting that 70, 80, or even 90 percent of women in prison are

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¹ Avon Global Center for Women and Justice at Cornell Law School and the New York Correctional Association’s Women in Prison Project., From Protection to Punishment: Post-Conviction Barriers to Justice for Domestic Violence Survivors-Defendants in New York State 8-9 (June 2011) [hereinafter Avon Global Center and WIPP, From Protection to Punishment].

survivors of sexual or physical violence.² In many of these cases, the abuse that women experienced played a direct role in the acts for which they were imprisoned. For example, some women have used force to defend themselves against their abusers, while others have committed economic offences in response to coercion by abusive partners.³ In other cases, women's experiences of abuse contributed to their involvement in criminal activity in a more indirect but no less real way. As Amy Fettig, Senior Staff Counsel at the ACLU's National Prison Project in the United States, has explained, "The entry point into the criminal justice system is too often a history of trauma or abuse. Then, once incarcerated, the abuse too often continues or recurs. Thus, unfortunately, the lens of violence is too often a central one in the experience of incarcerated women, but it can also provide a powerful explanatory lens to understand, and hopefully address, the root causes of the incarceration of women."⁴

Throughout the world women have been imprisoned for using violence against an intimate partner who has abused them. Often these women acted in response to their experiences of abuse and to protect themselves or their children. In the United States, for example, the New York State Department of Correctional Services reported that of women imprisoned in 2005 for killing someone close to them, 67 percent had been abused by the person they killed.⁵ An earlier study found that 93 percent of women convicted of killing intimate partners had been abused by an intimate partner as an adult.⁶ The Russian Ministry of Internal Affairs reported in 2009 that approximately 3,000 men per year were killed by a wife or girlfriend whom they had beaten.⁷ A report from Kyrgyzstan indicated that 70 percent of women convicted of killing their husbands or other family members had experienced ongoing domestic violence or coerced economic dependence.⁸ In Papua New Guinea, all of the women convicted of murder in one women's prison were victims of domestic violence, and many had killed their abuser in an act of self-defense.⁹

In other cases, women are imprisoned for economic offenses, such as shoplifting, robbery, prostitution, and drug trafficking or sale, that they committed in response to coercion by abusive partners. Caught in abusive relationships, they believe that failing to do what they are told would cause them more serious physical harm, even death. In the United States, one woman prisoner described how her boyfriend continually subjected her to physical, emotional, and sexual abuse. She felt increasingly scared and isolated, viewing her boyfriend as her only support. One day, her boyfriend took his gun and told the woman to get into the car, saying "Don't ask me questions. Do

² American Civil Liberties Union, Prison Rape Elimination Act of 2003 (PREA) (Apr. 29, 2011), at <https://www.aclu.org/prisoners-rights-womens-rights/prison-rape-elimination-act-2003-prea>. See also Avon Global Center, From Protection to Punishment, *supra* note 1, at 3.

³ See Avon Global Center and WIPP, From Protection to Punishment, *supra* note 1, at 3.

⁴ Notes from the Expert Group Meeting, Chicago, Illinois, May 14, 2013, at 4 (statement of Amy Fettig, Senior Staff Counsel at the ACLU's National Prison project).

⁵ New York State Dep't of Correctional Services, Female Homicide Commitments: 1986 vs. 2005, 14 (July 2007).

⁶ New York State Division of Criminal Justice Services, Homicide by Women 8 (June 1996).

⁷ United States Department of State, 2009 Country Reports on Human Rights Practices: Russia (Mar. 11 2010).

⁸ Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, Mission to Kyrgyzstan ¶ 26 (28 May 2010), UN Doc. A/HRC/14/22/Add.2.

⁹ Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, Mission to Papua New Guinea ¶ 41 (28 May 2010), UN Doc. A/HRC/23/49/Add.2 [hereinafter Special Rapporteur on VAW Report on Mission to Papua New Guinea].

what I say.” She sat in the passenger seat, petrified, while he kidnapped and robbed a woman. As a result, she spent ten years in prison.¹⁰

From the perspective of an outside observer, the threat that these women face may not be clear or immediate enough to justify the use of force on traditional legal grounds of self-defense. But threats of violence are not always explicit. They may show themselves in comments or actions that seem insignificant to an outsider who has not experienced abuse, but to a domestic violence survivor are triggers for an attack. Domestic violence survivors may also have learned from experience that the government is unable or unwilling to protect them. For example, the UN Special Rapporteur on Violence against Women explained that in most of the cases of women prisoners convicted of murder in a prison in Papua New Guinea, the women “had endured years of physical and sexual abuse from their attackers, usually their husbands, and had received no support when reaching out to the community or the police.”¹¹

In the United States, one female domestic violence survivor interviewed by Cornell Law students similarly found that she could not rely on the police. On one occasion, they came to her door after a particularly violent bout of abuse but just told the women’s abuser to leave the house; he came back and beat her again once they drove away. This incident left the woman with little faith in the government’s ability to protect her. When her boyfriend threatened to kill her one night, waved his gun at her, and then put it down on the nightstand, she picked it up and shot him. Although the boyfriend’s continual abuse of the woman and the failure of the police to respond to that abuse played a significant role in the woman’s actions, they played little role in her conviction and sentence of 13 years in prison.¹² Legal systems and the actors within them are often ill-equipped to take women’s experiences of abuse into account during the criminal justice process, and women survivors who become defendants may end up serving years, sometimes decades, in prison.

Women also may be imprisoned for contravening discriminatory laws that violate their human rights and have a particular impact on victims of gender violence. In some countries, women are sentenced to prison for committing so-called “moral” offences, such as adultery or extramarital sex, laws that are typically enforced far more often against women than against men.¹³ In some of these cases, women are victims of rape but cannot meet the high evidentiary burden to prove this in court. In Afghanistan, for example, one woman was sentenced to twelve years in prison for engaging in extramarital sex after she was raped by her cousin’s husband.¹⁴ Women have also been incarcerated for running away from their homes, often to escape forced marriage, forced prostitution, or sexual or physical violence. One fifteen-year-old Afghani girl was detained in a juvenile detention facility for leaving her marital home where her father-in-law had continually harassed and raped her.¹⁵ Other countries, including Mexico, Chile, and Moldavia, have imprisoned women for obtaining abortions, including in cases of rape.¹⁶ Moreover, women victims of gender-

¹⁰ Avon Global Center and WIPP, From Protection to Punishment, *supra* note 1, at 16-17.

¹¹ Special Rapporteur on VAW Report on Mission to Papua New Guinea, *supra* note 9, ¶ 41.

¹² Avon Global Center and WIPP, From Protection to Punishment, *supra* note 1, at 24-25.

¹³ UN Office on Drugs and Crime, Handbook for Prison Managers and Policymakers on Women and Imprisonment 81 (2008) [hereinafter UNODC Handbook].

¹⁴ Human Rights Watch, “I Had to Run Away:” The Imprisonment of Women and Girls for “Moral Crimes” in Afghanistan 67 (2012). The woman was ultimately released after her story was reported in the international press, and she received a presidential pardon.

¹⁵ *Id.* at 50.

¹⁶ Human Rights Watch, Mexico: The Second Assault: Obstructing Access to Legal Abortion after Rape in Mexico (2006); U.N. General Assembly, Human Rights Council, Addendum to the Report of the Special Rapporteur on

violence such as “honor” crimes or sex trafficking have been administratively detained, ostensibly for their own protection or rehabilitation.¹⁷

Of course, even where violence against women is not a direct cause of women’s imprisonment, the over-incarceration of women – largely the result of severe sentences for drug-related offences and a lack of alternatives to incarceration – is a serious human rights problem. Women are over-represented among low-level drug offenders. They often take on the role of “mules” and may not even be aware that they are carrying drugs. For example, in Argentina, women who had been convicted of drug trafficking had brought chocolates or other items across the border laced with drugs, and some said they were not aware of what they were carrying. Others were single mothers, supporting their families alone and felt that they had no choice.¹⁸ Although they may bear criminal responsibility, their lengthy prison sentences were neither proportionate nor necessary given that they were usually first time offenders who played a minor role in a non-violent crime.¹⁹

Moreover, violence against women can contribute to women’s involvement in drug-related offences even where they are not acting in response to coercion by an abusive partner. In some cases, the violence that women experienced as children or adults contributed to a drug addiction that underpinned their involvement in drug-related offences.²⁰ For example, one woman in the United States began to use drugs as a way of coping with her memories of the abuse she suffered as a child at the hands of her stepfather. She turned to selling drugs in order to pay for her drug use. Following her first sale – of a single vial of crack cocaine – she was arrested and sentenced to 10 years in prison.²¹ This trend of sentencing women to long prison terms for low-level drug offences regardless of their personal circumstances has fostered overcrowded prisons with conditions that are conducive to violence and deprived children of their mothers and sometimes sole economic support.

Violence against Women as a Consequence of Women’s Imprisonment

The consequences of imprisonment on women and their families are often more severe and longer-lasting than those experienced by male prisoners. Some women who have been imprisoned face a risk of retaliation from the community or so-called “honor” violence from their families. In Australia, for example, released women prisoners have been unable to reintegrate into society because of fear of retaliation by the community.²² Formerly imprisoned women in some countries,

Violence against Women, its Causes and Consequences, Rashida Manjoo: Communications to and From Governments ¶¶ 340, 343 (June 2, 2010), U.N. Doc. A/HRC/14/22/Add.1.

¹⁷ See United States Department of State, 2012 Country Reports on Human Rights Practices: Jordan (Apr. 18, 2013); Anne T. Gallagher & Elaine Pearson, Detention of Trafficked Persons in Shelters: A Legal and Policy Analysis (Oct. 28, 2008); Human Rights Watch, Cambodia: Off the Streets: Arbitrary Detentions and Other Abuses Against Sex Workers in Cambodia 6 (2010).

¹⁸ Cornell Law School’s Avon Global Center for Women and Justice and International Human Rights Clinic, Defensoría General de la Nación Argentina, and the University of Chicago Law School International Human Rights Clinic, Women in Prison in Argentina: Causes, Conditions, and Consequences 15-17 (May 2013) [hereinafter Avon Global Center et al., Women in Prison in Argentina].

¹⁹ See *id.* at 17.

²⁰ American Civil Liberties Union (ACLU), Words from Prison: The Collateral Consequences of Incarceration (June 12, 2006).

²¹ *Id.*

²² Australian Human Rights Commission, Social Justice Report 176-76 (2002).

including Jordan and Iraq, have been subjected to violence or threats of violence by family members because of perceived shame associated with the women's imprisonment.²³

In addition, studies indicate that imprisonment has a disproportionately negative effect on women's physical and emotional health. As noted above, many women who enter prison have experienced physical and sexual abuse.²⁴ Many are also in need of treatment for drug addiction.²⁵ These problems can be exacerbated by the physical and sexual abuse some women experience and the lack of rehabilitative treatment available to them in prison.²⁶ Upon their release from prison, women commonly experience depression, engage in self-harm, or attempt suicide. For example, a study in England and Wales found that within a year of their release, former women prisoners were 36 times more likely to commit suicide than the general population.²⁷ An Australian study found that many women engaged in self-harm, including drug overdoses, following their release from prison.²⁸ In the United States, about one-third of former prisoners, including women, reported substance abuse within 10 months of their release from prison.²⁹ Lack of robust treatment programs that could help women overcome drug addiction and address the underlying conditions that contributed to their imprisonment, including a history of experience with gender violence, means that released women offenders often struggle with mental health issues and substance abuse, which may contribute to recidivism.³⁰

Women who have been imprisoned may face legal and societal barriers to accessing employment, affordable housing, educational opportunities, health insurance, and voting rights, as well as to re-establishing a social network. In many respects, they are likely to experience greater discrimination than male prisoners upon their release from prison as a result of gender stereotypes.³¹ In the United Kingdom, about one-third of women lose their homes while in prison, which impedes their reintegration and can make it very difficult to reassume care for their children.³² Many former women prisoners in the United States are denied eligibility for public housing, which, for survivors of domestic violence, is critical to avoiding a return to abusive relationships.³³ As the ACLU has explained, "[t]hese collateral consequences make it far more difficult for women to become financially independent and escape from violent relationships."³⁴

In addition, incarceration has particular consequences on women and their families because women are far more likely than male prisoners to be the primary caretakers of children. Many prisons are located far away from a woman's home, which makes it difficult for women to maintain

²³ UN Office on Drugs and Crime, *Afghanistan: Female Prisoners and Their Social Reintegration* 54 (Mar. 2007); Human Rights Watch, *At a Crossroads: Human Rights in Iraq Eight Years after the U.S.-Led Invasion* 15 (2011).

²⁴ See *supra* note 2 and accompanying text.

²⁵ UNODC Handbook, *supra* note 13, at 22.

²⁶ American Civil Liberties Union, *Caught in the Net: The Impact of Drug Policies on Women and Families*, 47 (2005).

²⁷ D. Pratt et al., *Suicide in Recently Released Prisoners: a Case-Control Study*, 40 *Psychological Medicine* 827, 827 (2010).

²⁸ Australian Human Rights Commission, *supra* note 22, 149.

²⁹ Robert Wood Johnson Foundation, *Returning Home: Understanding the Challenges for Prisoners* (2009).

³⁰ See, e.g., *Higher Return to Prison for Women without Drug Abuse Programs : Many Barriers to Treatment Programs, Study Finds*, *Science News*, May 31, 2011.

³¹ UNODC Handbook, *supra* note 13, at 22.

³² *Id.*

³³ Avon Global Center and WIPP, *From Protection to Punishment*, *supra* note 1, at 22.

³⁴ ACLU, *supra* note 20.

regular contact with their children and families. In some countries, a woman prisoner who has dependent children may face termination of her parental rights.³⁵ These conditions often have powerfully negative effects on the emotional and physical well-being of mothers, who may suffer from stress, anxiety and depression.³⁶ Studies have shown that separation has negative effects on children too, contributing to experiences of discrimination and stigma, emotional and behavioral problems, sleep disorders, aggressive behavior, and decreased performance at school.³⁷ Housing babies and young children with their mothers in prison can also have harmful effects where prisons lack the facilities, resources, and specialized programs to meet those children's needs.³⁸ Additionally, children whose mothers were incarcerated are significantly more likely to be incarcerated in their lifetime.³⁹

International Legal Developments

For many years, international and domestic laws and standards that addressed the rights of persons deprived of liberty and states' corresponding obligations were primarily designed for men. They also focused on the conditions – not the causes or consequences – of imprisonment. More recently, as the numbers of women in prison increased, advocates and policy-makers began to call attention to the characteristics and needs of women offenders and prisoners and to argue that laws should take into account the ways in which they differ from the characteristics and needs of men. In 2010, the UN General Assembly responded to these developments by adopting the first international standards relating specifically to women prisoners, the Standard Minimum Rules for the Treatment of Female Prisoners and Non-Custodial Measures for Women Offenders (Bangkok Rules). The Bangkok Rules recognize that the principle of nondiscrimination requires states to address the unique challenges that women prisoners face and to take into account their gender-specific needs.

Less apparent are the ways in which the Bangkok Rules and other instruments have addressed states' responsibility for ameliorating the causes and consequences of women's imprisonment. Yet although they fall short of establishing a comprehensive normative framework, these standards make clear that states have an obligation under international law to address the pathways that lead women to prison and the consequences of their incarceration, particularly as those pathways and consequences relate to gender-based violence.

First, under international law, States have a duty to address the causes that contribute to women's incarceration. In the Vienna Declaration on Crime and Justice, States urged the development of crime prevention strategies that address “root causes and risk factors related to crime and victimization through social, health, educational and justice policies.”⁴⁰ For women

³⁵ UNODC Handbook, *supra* note 13, at 21.

³⁶ See Quaker UN Office Geneva et al. (Women in Prison Group), Women in Prison and the Children of Imprisoned Mothers: A Briefing for Friends 9 (Aug. 2007).

³⁷ Oliver Robertson, Quaker United Nations Office, Collateral Convicts: Children of Incarcerated Parents, Recommendations and Good Practice from the United Nations Committee on the Rights of the Child, Day of General Discussion 2011, 46-7 (March 2012); Patricia Gonzalez et al., Parent Education Program for Incarcerated Mothers in Colorado, 58 J. Corr. Educ. 357, 357 (2007); Penal Reform International and UK Aid, The Rights of Children when their Parents are in Conflict with the Law, Justice for Children Briefing No. 3, 1, 88 (August 2012).

³⁸ *Id.* at 28.

³⁹ Gonzalez et al., *supra* note 37, at 357.

⁴⁰ See Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century (Vienna Declaration), G.A. Res. 55/59, ¶ 25 (Jan. 17, 2001).

offenders, these root causes may include poverty and the need to provide for their children, drug and alcohol addiction, and gender-based violence. In particular, States have an obligation under international law to recognize and take effective measures to address and prevent the gender-based violence that contributes to some women's incarceration.⁴¹ This also involves addressing the structural causes of this violence, which include multiple and intersecting forms of gender inequality.⁴²

The principle of non-discrimination also requires States to take into account and address the disparate impact of criminal justice strategies on women,⁴³ even if they have been adopted for legitimate goals such as the reduction of the drug trade. This includes reconsidering harsh mandatory penalties for drug offenses that have disproportionately affected low-level female offenders. Such reconsideration is also called for by the international law principle – grounded in the rights to human dignity, liberty and freedom from cruel, human, and degrading treatment and punishment – that criminal penalties should be proportionate to the crime.⁴⁴

States also have a duty to make alternatives to incarceration available to women offenders on an equal basis with male offenders.⁴⁵ They must also “tak[e] into consideration the gender specificities of, and the consequent need to give priority to applying non-custodial measures to, women who have come into contact with the criminal justice system.”⁴⁶ Most women prisoners are not a threat to society, and the circumstances surrounding their offences – including drug addiction, unemployment, inadequate accommodation, and debt – are often more effectively resolved through support and treatment than imprisonment. Thus the Rules provide that States should develop gender-specific diversionary measures and pretrial and sentencing alternatives to incarceration that take into account the history of victimization of many women.⁴⁷ Ultimately, more women offenders should be given alternative, community-based sentences instead of being sent to prison.

Sentencing women offenders to alternatives to incarceration in appropriate cases is an important response not only to the causes of women's imprisonment but also to its consequences. Many women offenders are the primary caretakers of their children or other relatives, and their incarceration can have severely negative effects on their families. The General Assembly Resolution that adopted the Bangkok Rules emphasizes that “when sentencing or deciding on pre-trial measures for a pregnant woman or a child's sole or primary caretaker, noncustodial measures should be

⁴¹ See CEDAW General Recommendation No. 19; Declaration on the Elimination of Violence Against Women, U.N. Doc. G.A. Res. 48/104, art. 4(c) (Dec. 20, 1993); see also Tenth U.N. Congress on the Prevention of Crime and the Treatment of Offenders, U.N. Doc. A/CONF.187/12, *Women in the Criminal Justice System*, (Mar. 2, 2000) ¶ 16.

⁴² Intensification of efforts to eliminate all forms of violence against women, G.A. Res. 61/143, ¶ 8(f) (Dec. 19, 2006); General Assembly Resolution No. 65/229 adopting the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules), PmbL. (taking note of the applicable provisions of G.A. Res. 61/143).

⁴³ Intensification of efforts to eliminate all forms of violence against women, G.A. Res. 61/143, ¶ 8(f) (Dec. 19, 2006).

⁴⁴ See Avon Global Center et al., *Women's Imprisonment in Argentina*, *supra* note 18, at 12.

⁴⁵ Report of the Sixth U.N. Congress on the Prevention of Crime and the Treatment of Offenders, UN Doc. A/CONF.87/14/Rev.1, Resolution 9, *Specific needs of women prisoners*, 13 ¶ 2(1980).

⁴⁶ General Assembly Resolution No. 65/229 adopting the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules), PmbL.

⁴⁷ Tokyo Rules, Rules 2.3 and 5.1; Bangkok Rules, Rule 41; Rule 57; Rule 60.

preferred where possible and appropriate.”⁴⁸ The Rules require states to implement alternatives to prison sentences whenever appropriate and possible and to consider family ties before separating women from their families and communities.⁴⁹ Community-based, gender-sensitive alternatives to incarceration enable women offenders to remain with their children and families and continue to play an important caregiving role.

States also have an obligation to provide women prisoners with programs and services that enable them to effectively reintegrate in society.⁵⁰ This may consist of education, vocational training, meaningful and remunerated work, and recreational activities, including “activities which take account of gender-appropriate needs.”⁵¹ Prison officials should also encourage and facilitate visits to women prisoners, while consulting with them to ensure that they are not harassed or traumatized by family members who abused them.⁵² All of these measures are critical to promoting the social reintegration of women prisoners and ameliorating the potential negative consequences of imprisonment once they are released.

Furthermore, international standards recognize that “[t]he duty of society does not end with a prisoner’s release.”⁵³ States have a responsibility to provide services and programs that facilitate the rehabilitation and reintegration of former women prisoners.⁵⁴ This includes relying on transitional measures such as home leave, halfway houses, and community programs that combat stigma and assist women in connecting with their families.⁵⁵ It also includes developing and implementing “comprehensive pre- and post-release reintegration programs which take into account the gender-specific needs of women.”⁵⁶ For example, as noted above, many women prisoners carry with them histories of domestic abuse and drug or alcohol addiction, the effects of which may be exacerbated by their experiences in prison. Others face legal and societal barriers to housing, employment, student loans, and even ongoing contact with their children. Thus, the Bangkok Rules require States, in collaboration with the community, to provide support to released women prisoners who require “psychological, medical, legal, and practical help to ensure their successful social reintegration.”⁵⁷ States must also amend laws and policies that prevent former women prisoners from realizing their rights to housing, work, education, family life, and other fundamental rights.

The Bangkok Rules and other international instruments thus set out a legal framework for addressing the causes and consequences of women’s imprisonment, including their connections with gender-based violence. Yet, although the Bangkok Rules are crucially important, they do not have the force of binding treaty law. Similarly the international prohibition of violence against women is contained in declarations and treaty interpretations but not in a binding convention. Ultimately, these norms should be codified through a treaty that imposes specific and binding obligations upon

⁴⁸ General Assembly Resolution No. 65/229 adopting the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules), para. 9.

⁴⁹ Bangkok Rules, Rule 58. Women who are caretakers of children also should be allowed “to make arrangements for those children” prior to being admitted to prison, “including the possibility of a reasonable suspension of detention, taking into account the best interests of the child.” *Id.*, Rule 2(2).

⁵⁰ See Standard Minimum Rules, Rules 58 & 59.

⁵¹ Bangkok Rules, Rule 42.

⁵² *Id.*, Rules 43 and 44.

⁵³ Standard Minimum Rules, Rule 64.

⁵⁴ *See id.*

⁵⁵ *Id.*, Rule 45.

⁵⁶ *Id.*, Rule 46.

⁵⁷ *Id.*, Rule 47.

States. In the meantime, much work remains to be done to elaborate upon and implement the standards set forth in the Bangkok Rules in domestic laws, policies, and practices globally. Moreover, as the Rules themselves recognize, much more research is also needed to understand the pathways that lead women to come into conflict with the law and be sent to prison and the consequences of imprisonment for women themselves and for their children. Such understanding is critical in identifying the strategies and solutions that are required to address the causes of women's imprisonment; in exploring alternatives to incarceration; and in ameliorating the negative consequences of imprisonment for women and their families.